

CITY COUNCIL PRE-MEETING – COUNCIL CONFERENCE ROOM
711 NORTH GALLOWAY
NOON – FEBRUARY 15, 2010

Discuss the items on the Regular Agenda and (1) discuss revisions to the General Government Policies and Procedures Manual and (2) receive report regarding the Deferred Compensation Plan.

EXECUTIVE SESSION – NOON
711 N. GALLOWAY – CITY COUNCIL CONFERENCE ROOM

- (1) **PENDING AND CONTEMPLATED LITIGATION (See Notice of Executive Session – Litigation for Listing of Subjects.)**
- (2) **PURCHASE, EXCHANGE, LEASE OR VALUE OF PUBLIC PROPERTY (See Notice of Executive Session – Real Property for Listing of Subjects.)**
- (3) **APPOINTMENT AND EVALUATION OF PUBLIC OFFICIALS (See Notice of Executive Session – Personnel Matters for Listing of Subjects.)**

REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBER
3:00 P.M.

INVOCATION

(John Livaudais, Pastor, Macedonia Baptist Church, Mesquite, Texas.)

PLEDGE OF ALLEGIANCE

(Joseph Marroquin, Jr., Emily Pugh, Pablo Saenz, Samantha Sowders, fourth grade students from Florence Black Elementary School.)

SPECIAL ANNOUNCEMENTS

(This time is reserved for special announcements and recognition of individuals or groups.)

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CITIZENS FORUM

(At this time a number of citizens not to exceed ten (10) shall be allowed to speak on any matter other than personnel matters, matters under litigation or matters concerning the purchase, exchange, lease or value of real property for a length of time not to exceed three (3) minutes on a first-come, first-served basis. No Council action or discussion is to be taken until such matter is placed on the Agenda and posted in accordance with law.)

PRESENTATION OF AWARDS

1. Presentation of award to Aysia Mitchell, Punt, Pass & Kick National Champion.
2. Presentation of meritorious awards to Fire Department employees.

CONSENT AGENDA

(All items on the Consent Agenda are routine items and may be approved with one motion; however, should any member of the City Council or any individual wish to discuss any item, said item may be removed from the Consent Agenda by motion of the City Council.)

3. Minutes of the regular City Council meeting held February 1, 2010.
4. An ordinance amending Section 9-147 of the City Code regarding school zones effective February 17, 2010.
5. A resolution establishing precincts and the location of polling places for the annual City election.
6. Bid No. 2010-001 – Forney Road Paving, Drainage, Water and Sanitary Sewer Improvements.
(Staff recommends the City Manager be authorized to execute a contract with low bidder Ed Bell Construction Company in the amount of \$1,669,055.00.)
7. Bid No. 2010-027 – South Mesquite Creek Sanitary Sewer Trunk Main Replacement, Phase 2 (Lucas Boulevard to Wilkinson Road).
(Staff recommends the City Manager be authorized to execute a contract with low bidder Wright Construction Co., in the amount of \$2,074,090.55.)
8. Authorize the City Manager to execute a change order to City Contract No. 2009-039, Install Traffic Signal Systems, Phase 1B, with The FAIN Group, Inc., in the amount of \$32,086.79.

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9. Receive Change Order Report from City Manager.
(CE 2009-038, Install Traffic Signal and Intersection Improvements – North Galloway Ave. at Town East Blvd. – \$20,936.00; CE29-9280, Forney Road Paving, Drainage, Water and Sanitary Sewer Improvements – \$2,940.53; CE 2009-086/29-9330, Annual Landscape Maintenance Municipal Center, City Hall, Police Bldg., Arts Center, MEHC and Willowbrook Parking Lot – (\$1,277.34); CE I015-2008/29-9160, Annual Landscape Maintenance of Creek Crossing Area Medians, ROW and Landscape Areas – \$4,517.70; CE 2009-109, Annual Supply of Duplicating Papers – \$3,378.12; CE I-128-2008/10-9500, Annual Landscape Maintenance of Fire Station #1 – \$136.80; CE I015-2008/29-9150, Annual Landscape Maintenance Animal Shelter, Community Services Building, Florence Ranch and Via Del Norte – \$709.20 and CE I055-2009, Annual Supply of Locking Concrete Meter Box Lids – \$627.20.)

PUBLIC HEARING

10. Conduct a public hearing to consider an alternate screening method submitted by Leduc Property Management for Baker Square Apartments located at 1809 Baker Drive.
(One letter in opposition to the proposed alternate screening method has been received.)

RECEIPT OF RESIGNATION AND APPOINTMENTS TO BOARDS AND COMMISSIONS

11. Receive resignation from Brian Hutcheson as a member of the Board of Adjustment/Automated Traffic Signal Enforcement Advisory Committee.
12. Consider appointment of one member to the Mesquite Industrial Development Corporation for a term to expire January 28, 2013.
13. Consider the appointment of two members to the Historic Mesquite, Inc., Board of Directors, one for a term to expire December 31, 2010, and one for a term to expire December 31, 2011.

Adjournment.

NOTICE OF EXECUTIVE SESSION

Pending and Contemplated Litigation:

Pursuant to Section 551.071 of the Texas Government Code, the City Council will meet in closed session to consider pending and contemplated litigation subjects or settlement offers. The following cases/subjects may be discussed:

1. PKG Contracting, Inc. v. City of Mesquite – Filed 10-30-03
2. City of Webster and the Webster Economic Development Corporation as Original Plaintiffs with the Cities of Denton, Humble, Lewisville, Mesquite, North Richland Hills and Plano, Denton County Transportation Authority and

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- Fort Worth Transportation Authority as Third-Party Intervenors v. Carole Keeton Strayhorn in her Official Capacity as Comptroller of Public Accounts for the State of Texas as Original Defendant with the City of Grand Prairie Added as a Party Defendant by the Intervenors – Filed 4-18-07
3. Thomas Bryon Kuykendall and Cynthia Kuykendall v. Christopher Pennington and the City of Mesquite – Filed 8-15-07
 4. Estate of Steven Everett Shaw; Mark Shaw; Elisandra Lopez as Mother and Next Friend of Dominic Taylor Shaw, a Minor; and Dale Roberts v. Nicolas Sierra, Police Officer, and Todd Cavaliere, Police Officer – Filed 10-9-08
 5. Patrick Murphy v. Mesquite City Police Department and Officer Abbott, Filed – 1-26-09
 6. Curtis Fritz and Wendy Fritz, Individually and as Next Friends of Morgan Fritz, a Minor v. the City of Mesquite, Texas, and Rink Management Services Corporation dba “The Ice at Stonebriar,” Filed – 10-26-09
 7. Kelly Phillips v. the City of Mesquite, Texas, Filed – 11-12-09
 8. Robert J. Fuller v. City of Mesquite, Texas, and Ted Barron, City Manager of the City of Mesquite, Texas, Filed – 12-10-09
 9. Union Pacific Railroad Company/Double Eagle Refinery Superfund Site/Double Eagle Litigation/Third-Party Defendant/City of Mesquite

Real Property:

Pursuant to Section 551.072 of the Texas Government Code, the City Council will meet in closed session to consider purchase, exchange, lease or value of real property. The following subject may be discussed:

1. Discuss Mesquite Golf Course lease agreement.

Personnel Matters:

Pursuant to Section 551.074 of the Texas Government Code, the City Council will consider the appointment, evaluation, employment, reassignment, duties, discipline or dismissal of the City Manager, City Attorney, Municipal Court Judge, City Secretary, members of the various City boards and commissions, and City officers or other employees. A complete list of the members of the City boards and commissions is on file in the City Secretary’s office.

1. The appointment of a Municipal Court Judge.

Following discussions in executive session, the City Council will reconvene in open session where any final action regarding executive session items will be taken.

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The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters posted on this agenda, when such executive session is authorized by Texas Government Code Section 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development); Texas Tax Code Section 321.3022 (Sales Tax Information) and Texas Government Code Section 418.183(f) (Emergency Management).